IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 759 OF 2006

1. Shaban Khan and 31 ors.] ..Petitioners

Vs.

1. The State of Maharashtra & anr.] ..Respondents

None for the petitioners.

Mr. Pradeep Jadhav, AGP, for the respondents No.1 and 2.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA, JJ.

DATED : 27TH APRIL, 2006

P.C.

. Petitioners had approached this Court on the ground that notice had been issued to them under Section 50(3) and consequently, the reliefs, as prayed for herein. Jyoti Sanjay Deshpande has filed an Affidavit. In para 3, it is set out that the Deputy Collector (Encroachments and removal) was directed to verify and confirm the alleged notice issued under Section 50(3) of the Maharashtra Land Revenue Code, 1966, which have been exhibited by the petitioner to this Petition as submitted by them as documentary evidence. It is pointed out that letter has been received dated 20th April, 2006, under number as set out therein from the Office of the Deputy Collector and that on verification

from the Register, it is found that no such notices were issued to the petitioners as alleged and that the signature of the Tahsildar, which appears on such notices, is not the signature of the Tahsildar appointed as authority at that particular time. In other words, it is clear that these are fabricated and forged documents which have been filed before this Court.

2. Learned counsel for the petitioner is absent today. Considering the Affidavit filed by Jyoti S. Deshpande, this would be a fit case where action should be taken against those who have produced *prima facie* false and fabricated documents before this Court. We, therefore, direct the Deputy Collector (ENC & Rem), Malad, Mumbai, to register a Police complaint with the Police Station within whose jurisdiction the land is situated and in respect of which the petitioners were claiming a right. It will be open to the Police to investigate all persons, irrespective of their designation and post which they hold, who have filed the documents before this Court. A report to be filed before this Court within three months of the complaint being filed by the Officer in charge of the Police Station. Registry is directed to place the said Police report before this Bench as and when the report is

filed.

3. With the above directions, Petition disposed of.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]